



#13
(NE)

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Bek et al.

Examiner: M. Peffley

Serial No. : 09/974,750 ✓

Group Art Unit: 3739

Filed : 10 October 2001

For : Systems and Methods for Monitoring and Controlling Use of Medical
Devices

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

Sir:

I, Daniel D. Ryan, Esq. (Registration Number 29,243), state that I am attorney of record in the above identified patent application (which I will call the '750 Application).

I further state that Curon Medical, Inc. is the assignee of the whole invention claimed and described in U.S. Patent 6,464,689 and the present '750 Application. The assignment of the U.S. Application Serial No. 09/574,704 (now U.S. Patent 6,464,689) by the inventors to Curon Medical, Inc. is recorded in the United States Patent Office on Reel/Frame 011239/0463, a true copy of which is attached. The assignment of the '750 Application by the inventors to Curon Medical, Inc. is recorded in the United States Patent Office on Reel/Frame 012890/0135, a true copy of which is attached. As a result, U.S. Patent 6,464,689 and the present '750 Application are commonly owned by Curon Medical, Inc.

With respect to claims granted in the '750 Application, Curon Medical, Inc. hereby disclaims the terminal part of any patent granted which would extend beyond the expiration date of the full statutory term of U.S. Patent 6,464,689.

Curon Medical, Inc. hereby agrees that any patent granted on the '750 Application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to U.S. Patent 6,464,689. This agreement shall run with any patent granted on the '750 Application and shall be binding upon the grantor, its successors, or assigns.

Curon Medical Inc. does not disclaim any terminal part of any patent granted on the '750 Application prior to the expiration date of the full statutory term of U.S. Patent 6,464,689 in the event that U.S. 6,464,689 later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); (5) has all claims canceled by a reexamination certificate; or (6) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. 3.73(b), I hereby state that the evidentiary documents accompanying or referred to in this Terminal Disclaimer have been reviewed by the undersigned, and it is certified that to the best of the assignee Curon Medical, Inc's knowledge and belief, title is in the assignee. I also state that I am authorized by Curon Medical, Inc. to make this Terminal Disclaimer on its behalf.

Curon Medical, Inc.

By:
Daniel D. Ryan, Esq.
Registration Number 29,243
Attorney of Record



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JANUARY 18, 2001

RYAN KROMHOLZ & MANION, S.C.
DANIEL D. RYAN
P.O. BOX 26618
MILWAUKEE, WISCONSIN 53226

PTAS

JAN 26 2001



101520293A

RYAN KROMHOLZ & MANION S.C.

UNITED STATES PATENT AND TRADEMARK OFFICE
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/16/2000

REEL/FRAME: 011239/0463
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
QIN, JAY

DOC DATE: 10/05/2000

ASSIGNOR:
BEK, ROBIN

DOC DATE: 10/05/2000

ASSIGNOR:
GAISER, JOHN

DOC DATE: 10/05/2000

ASSIGNOR:
UTLEY, DAVID S.

DOC DATE: 10/05/2000

ASSIGNEE:
CURON MEDICAL, INC.
735 PALOMAR AVENUE
SUNNYVALE, CALIFORNIA 94086

SERIAL NUMBER: 09574704
PATENT NUMBER:

FILING DATE: 05/18/2000
ISSUE DATE:

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11-17-2000

et No.: 9222.16632-CIP 2

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office



101520293

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Jay Qin
Robin Bek
John Gaiser
David S. Utley

10-16-00

2. Name and address of receiving party(ies):

Name: Curon Medical, Inc.

Internal Address: _____

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other _____

Street Address: 735 Palomar Avenue

City: Sunnyvale State: CA ZIP: 94086

Execution Date: 5 October, 2000

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/574,704

B. Patent No.(s)

10/18/2000 AGOITON 00000017 09574704

04 FC:581

40.00 00

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Daniel D. Ryan

Internal Address: Ryan Kromholz & Manion, S.C.

Street Address: P.O. Box 26618

City: Milwaukee State: WI ZIP: 53226

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

06-2360

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Daniel D. Ryan

Name of Person Signing

Signature

10 October, 2000

Date

Total number of pages including cover sheet, attachments, and document: 1

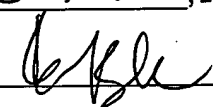
ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable considerations, receipt of which is acknowledged, We, Jay Qin, Robin Bek, John Gaiser, David Utley, being the lawful owners, hereby sell and assign to Curon Medical, Inc., its successors and assigns, the entire right, title and interest throughout the world in our invention in a Graphical user Interface for Monitoring and Controlling Use of Medical Devices, as described in the attached application for United States patent, and in this and any and all U.S.A. and other patent applications and patents thereon, and in all rights of priority thereto.

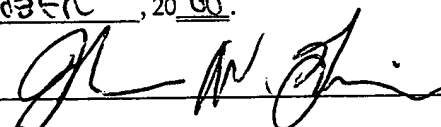
Signed, sealed and delivered this 5th day of OCTOBER, 2000.


Jay Qin

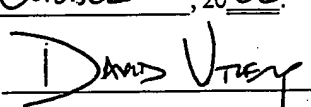
Signed, sealed and delivered this 5th day of October, 2000.


Robin Bek

Signed, sealed and delivered this 5th day of OCTOBER, 2000.


John Gaiser

Signed, sealed and delivered this 5th day of October, 2000.


David Utley


STATE OF California

COUNTY OF Santa Clara)

) SS

~~Personally came before me this 5th day of October, 2000 the above named Jay Qin, Robin Bek, John Gaiser, David Utley personally known to me to be the persons who signed the above document, who acknowledged the same as their own free act and deed.~~

Notary Public 

My Commission Expires 

[SEAL]

see attached

*French
Linea
10/5/00*

CALIFORNIA ALL-PURPOSE ACKN WLEDGMENT

State of California

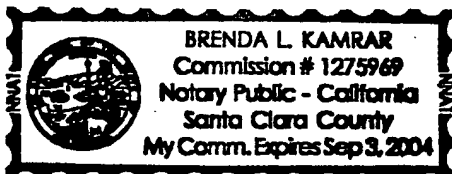
County of Santa Clara } ss.

On Oct. 5, 2000, before me, Brenda L. Kamrar, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Jay Qin, Robin Bek, John Gaiser, David Utley
Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) Xare subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Brenda L. Kamrar
Signature of Notary Public

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Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Assignment

Document Date: October 5, 2000 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here



UNITED STATES
PATENT AND
TRADEMARK OFFICE



AUGUST 09, 2002

PTAS

RYAN KROMHOLZ & MANION, S.C.
DANIEL D. RYAN
P.O. BOX 26618
MILWAUKEE, WI 53226

RYAN KROMHOLZ & MANION S.C.

Chief Information Officer
Washington, DC 20231
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RECORDATION DATE: 05/09/2002

REEL/FRAME: 012890/0135
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
BEK, ROBIN

DOC DATE: 04/04/2002

ASSIGNOR:
GAISER, JOHN

DOC DATE: 04/04/2002

ASSIGNOR:
QIN, JAY

DOC DATE: 04/04/2002

ASSIGNOR:
UTLEY, DAVID S.

DOC DATE: 04/08/2002

ASSIGNEE:
CURON MEDICAL, INC.
735 PALOMAR AVENUE
SUNNYVALE, CALIFORNIA 94085

SERIAL NUMBER: 09974750
PATENT NUMBER:

FILING DATE: 10/10/2001
ISSUE DATE:

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012890/0135 PAGE 2

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08-02-2002

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OMB No. 0651-0027 (exp. 5/3/02)
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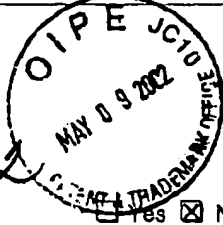
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1. Name of conveying party(ies):

ROBIN BEK
JOHN GAISER
JAY QIN
DAVID S. UTLEY



Additional names(s) of conveying party(ies)

☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Curon Medical, Inc.

Internal Address: _____

Street Address: 735 Palomar AvenueCity: Sunnyvale State: CA ZIP: 94085

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 04, 08 April 2002Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/974,750Filed 10 Oct 2001

B. Patent No.

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Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Daniel D. RyanInternal Address: Ryan Kromholz & Manion, S.C.6. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41):\$ 40.00☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☐ Authorized to be charged to deposit account

8. Deposit account number:

06-2360

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05/14/2002 YPOLITEI 00000010 9974750

05-FC-581

40.00 OP

City: MilwaukeeState: WIZIP: 53226

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Daniel D. Ryan

Name of Person Signing

Signature

30 April 2002

Date

Total number of pages including cover sheet, attachments, and document: 1

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